Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Review of Commission Regulations Pursuant to Executive Order 14192 and Related Regulatory Reform Initiatives
GN Docket No. 25-133

COMMENTS OF VENTURE TECHNOLOGIES GROUP, LLC
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I. Introduction

Pursuant to Public Notice DA 25-219 and in alignment with Executive Orders 14192 and 14219, as well as the Supreme Court's ruling in *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024), Venture Technologies Group, LLC submits these comments urging the Federal Communications Commission ("FCC" or "Commission") to reform outdated regulatory barriers to innovation in the broadcast industry.[1,2,3] The Commission must take this opportunity to modernize and simplify its rules, removing legacy distinctions and compliance burdens that serve neither competition nor the public interest.

We offer several proposals aimed at fostering investment, expanding service, and ensuring equitable regulatory treatment of all television licensees:

- Repealing obsolete mandates such as the children's programming requirements and quarterly issues/programs lists;
- Eliminating arbitrary limits on LPTV effective radiated power (ERP) and enabling technical parity with full power stations;
- Rejecting the proposal to codify a one-kilometer interference analysis grid for LPTV and Class A stations;
- Ending the regulatory divide between full power and LPTV by integrating all television services under a unified framework;
- Permitting broadcasters to use any modulation scheme—such as 5G Broadcast or ATSC 3.0—that complies with interference protections;
- Clarifying that use of efficient CODECs for free-to-air service does not constitute an ancillary service subject to additional fees;

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[1] See FCC, Public Notice, DA 25-219 (Mar. 12, 2025), GN Docket No. 25-133.
[2] Exec. Order No. 14192, 90 Fed. Reg. 9065 (Feb. 6, 2025); Exec. Order No. 14219, 90 Fed. Reg. 10583 (Feb. 25, 2025).
[3] Loper Bright Enterprises v. Raimondo, 144 S. Ct. 2244 (2024).

- Conditioning any future transition to ATSC 3.0 on a new broadcast spectrum auction, with proceeds used to fully fund both broadcaster and viewer transition costs;
- Including LPTV stations in all future incentive auctions, contingent on regulatory unification under Part 73.

These measures, grounded in deregulatory principles, would result in a fairer, more competitive broadcast environment while reducing administrative costs and enabling innovation.

II. Repeal Children's Programming and Quarterly Public Interest Reporting Requirements

The requirement that broadcasters air a prescribed amount of educational and informational (E/I) programming for children, as codified in 47 CFR § 73.671, is obsolete. So too is the requirement for quarterly issues/programs lists under 47 CFR § 73.3526(e)(11)(i).

Why These Rules Should Be Repealed:

- They are redundant in today's media landscape, where E/I programming is widely available through multiple platforms;[4]
- They place disproportionate burdens on broadcasters, especially small and independent licensees;
- They create unnecessary paperwork and compliance risk with little demonstrated public benefit;
- No equivalent obligations are imposed on digital, cable, or streaming providers.

Recommended Deregulatory Actions:

- Repeal 47 CFR § 73.671 entirely;
- Eliminate Form 2100, Schedule H (formerly Form 398);
- Repeal 47 CFR § 73.3526(e)(11)(i) and any related documentation obligations.

According to the Commission's own data, children's video consumption habits have shifted dramatically over the past two decades. In 2000, children aged 2 to 16 spent an average of 1 hour and 55 minutes per day watching broadcast TV and only 2 minutes on internet-based content. By 2017, that had reversed: broadcast viewing dropped to 37 minutes, while internet-based viewing surged to over 2 hours. Children now prefer on-demand, short-form content—particularly on

[4] See FCC, Report and Order, FCC 19-67, para. 10 (July 12, 2019).

YouTube. In fact, 72% of kids aged 8 to 11 preferred YouTube over traditional broadcast TV in 2017.[5]

This shift has only accelerated since then. Linear ratings for kids' television have tanked over the last decade. Ratings for Nickelodeon plummeted 86% from 2016 to 2023, while The Disney Channel fell 90% in the same period, according to Nielsen. Viewers aged 2-17 (who only comprise about 20% of the US population) now account for about 30% of YouTube's viewership according to Nielsen's Media Distributor Gauge report.[6]

Imposing children's programming requirements on television stations no longer makes sense, because children no longer watch conventional broadcast television.

Similarly, requiring broadcasters to file issues/programs lists is outdated in today's media environment, where anyone can share content on platforms like YouTube and the public has widespread access to the internet and social media. Since public inspection files are now hosted on the FCC's own website, the Commission could likely confirm—by reviewing web traffic—that these reports are seldom, if ever, downloaded, making the requirement largely symbolic rather than useful.

Eliminating children's programming and issue responsive reporting obligations would significantly ease compliance burdens and bring broadcast regulation into line with the broader media ecosystem.

III. Allow LPTV Stations to Operate at Higher ERP

The current limitations on LPTV station power are a regulatory artifact, not a technical necessity. Modern digital broadcasting, particularly through ATSC 3.0, enables efficient spectrum use and interference mitigation.[7] The Commission should permit LPTVs to operate at any ERP level that does not cause interference to other stations, up to the same limits allowed for full power television stations.

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[5] Federal Communications Commission. (2019, August 16). Children's television programming rules; Modernization of media regulation initiative (MB Docket Nos. 18-202, 17-105; FCC 19-67). Federal Register, 84(159), 41989–42014. https://www.federalregister.gov/documents/2019/08/16/2019-16007/childrens-television-programming-rules-modernization-of-media-regulation-initiative

[6] Cobb, K., & Chitwood, A. (2024, October 21). Kids TV is dead, long live kids TV: As Gen A pivots entirely to streaming and creator-driven content, studios are struggling to adjust to a remaking of kids entertainment. TheWrap. https://www.thewrap.com/kids-tv-future-linear-ratings-streaming-youtube/

[7] See Advanced Television Systems Committee, "ATSC 3.0 Overview," https://www.atsc.org/nextgen-tv/.

For example, current rules in 47 CFR § 74.735 limit digital LPTV ERP to 15 kW (UHF) and 3 kW (VHF), regardless of market conditions, terrain, or viewer needs. These arbitrary caps constrain service expansion and competitive viability without providing corresponding interference protection.

The sole constraint on a Class A or LPTV station's ERP should be its ability to increase power while ensuring that interference does not exceed 2.0% to other LPTV stations and 0.5% to Class A and full-power stations, as determined by TVStudy. These interference thresholds should serve as the exclusive limits on ERP for Class A and LPTV stations, in accordance with the interference protection criteria specified in 47 CFR § 74.793 and 47 CFR § 73.6017.

Recommended Deregulatory Action:

- Repeal provisions that arbitrarily restrict LPTV ERP (e.g., within 47 CFR Part 74);
- Allow LPTVs to seek power increases on a case-by-case basis, subject only to interference protections, not blanket caps.

This change is part of a broader deregulatory effort to reduce unnecessary constraints on small broadcasters and promote efficient spectrum utilization. Higher ERP would allow LPTVs to better serve rural and underserved urban communities, increasing localism and diversity in media without negative consequences for spectrum management.

IV. Eliminate the Regulatory Divide Between Full Power and LPTV

The Commission should end the bifurcated treatment of full power and LPTV services, a model that no longer reflects technological or market realities. Digital transmission has erased functional differences between these services.[8] LPTVs can deliver high-quality, high-definition programming indistinguishable from full power services to consumers.

Recommended Deregulatory Actions:

- Eliminate the "secondary" status of LPTVs by repealing 47 CFR § 74.702;
- Consolidate all television licensing and technical regulations into Part 73, phasing out the separate Part 74 subpart for LPTVs;

[8] See FCC, "Authorizing Permissive Use of the 'Next Generation' Broadcast Television Standard," Report and Order, FCC 17-158, para. 2 (Nov. 20, 2017).

- Extend must-carry rights to all licensed television stations, including LPTVs, by amending 47 CFR § 76.56.

These reforms would eliminate regulations and enhance viewer access to a broader range of local content. Moreover, applying the full power regulatory fee structure to LPTVs could generate significant revenue for the Commission without increasing taxpayer burdens. Currently, LPTV stations pay substantially lower annual regulatory fees than their full power counterparts—often less than $1,000 annually compared to approximately $10,000 for full power licensees.[9] With nearly 1,900 LPTV stations nationwide,[10] bringing their fees in line with full power stations could generate upwards of $15–$20 million annually in additional revenue. This increase would not require new taxes or congressional appropriations but would simply ensure that all television licensees contribute equitably to the Commission's operating budget based on their spectrum use and public service obligations.[11]

Modern cable television systems' transition to IP-based architectures removes any practical barrier to including LPTV stations under must-carry rules. In the past, cable operators might have claimed bandwidth limitations as a reason to limit carriage, but today's infrastructure is built to deliver video as scalable data streams rather than fixed channel slots. Content is streamed on demand or through managed multicast systems, allowing providers to carry a wide range of programming without physical constraints. Adding an LPTV station in this environment is simply a matter of provisioning another stream—something well within the routine capabilities of contemporary systems. With this technological foundation, there is no valid technical reason to exclude LPTV stations from must-carry rights, particularly when these stations serve diverse communities and provide locally relevant content.

V. Include LPTVs in Future Incentive Auctions (With Part 73 Integration)

As part of this rulemaking, the FCC should formally ask Congress for the authority to hold a new auction, similar to the one authorized by the Middle Class Tax Relief and Job Creation Act of 2012.

In 2016, Auction 1000 generated nearly $20 billion in revenue and successfully repurposed spectrum for wireless broadband.[12] However, LPTVs were excluded due to statutory limitations in

[9] See FCC FY 2023 Regulatory Fees Report and Order, Report and Order, FCC 23-66, Appendix C.
[10] See FCC, "Broadcast Station Totals as of December 31, 2023," https://www.fcc.gov/document/broadcast-station-totals-december-31-2023.
[11] See 47 U.S.C. § 159(a); see also FY 2023 Regulatory Fees Report and Order, FCC 23-66, paras. 6–8.
[12] See FCC, Broadcast Incentive Auction and Post-Auction Transition, https://www.fcc.gov/about-fcc/fcc-initiatives/incentive-auctions.

the Middle Class Tax Relief and Job Creation Act of 2012, codified at 47 U.S.C. § 1452(a)(1). That exclusion should not be repeated in the future.

As part of its deregulatory review, the Commission should advocate for statutory changes or pursue alternative mechanisms that allow LPTVs to participate in future auctions on a voluntary basis.

However, to ensure equitable treatment and spectrum efficiency, such participation should be conditioned on the LPTV's integration into Part 73. This would align service definitions, legal rights, and public interest obligations across the broadcast service.

Recommended Deregulatory Actions:

- Endorse legislative and regulatory initiatives that permit LPTV inclusion in future broadcast incentive auctions;
- Require stations seeking to participate to adopt a unified license structure under Part 73;
- Structure any auction to accommodate the unique needs of LPTVs, including flexible participation thresholds and spectrum valuation models.

Including LPTVs in future incentive auctions would unlock market value, support the transition to modern architectures like ATSC 3.0, and ensure a fair return to spectrum licensees that serve vital community functions.

VI. Require a New Spectrum Auction Before Any Mandated Transition to ATSC 3.0

The Commission must not mandate a nationwide transition to ATSC 3.0 without first conducting a new broadcast spectrum incentive auction. Any such transition must be voluntary, market-driven, and fully funded by auction proceeds to ensure fairness, prevent market disruption, and protect both broadcasters and the viewing public.

Why a New Auction Is Necessary:

- A Precedent Has Been Set: The successful 2016 broadcast incentive auction (Auction 1000) demonstrated how spectrum reallocation can be conducted in a market-based, non-coercive manner, generating nearly $20 billion in revenue and compensating broadcasters for vacating or repurposing spectrum. Any future transition to ATSC 3.0—which may accelerate further spectrum reallocation—should follow this model.
- No Unfunded Mandates: The cost of transitioning to ATSC 3.0 is significant. Replacing transmitters, antennas, combiners, encoders, and deploying single frequency networks (SFNs) imposes substantial financial burdens on stations—particularly LPTV and independently owned broadcasters. Mandating such a transition without guaranteed

funding would result in station closures, loss of service, and a rollback of localism and diversity.

- A new incentive auction would free up spectrum and generate billions of dollars for the U.S. Treasury, which could then be used to fund tax cuts, reduce the deficit, or support other government programs.

Recommended Framework:

1. Conduct a New Broadcast Spectrum Auction:
    - Structure the auction to reclaim additional spectrum for flexible use;
    - Allow voluntary participation from full power, Class A, and LPTV stations.
2. Use Auction Proceeds to Fully Fund Transition Costs:
    - (a) Compensate broadcasters that elect to relinquish spectrum rights, channel share, or move to VHF;
    - (b) Cover all reasonable costs of broadcaster transition to ATSC 3.0, including:
        - New transmitters, antennas, encoders, STL equipment, and tower work;
        - Repack and coordination expenses;
        - Design and deployment of SFNs for ATSC 3.0 operations.
    - (c) Fund a comprehensive viewer transition program, including:
        - Vouchers for ATSC 3.0-compatible TVs and converter boxes;
        - Public education and outreach campaigns;
        - Signal testing and remediation services for underserved areas.
3. Ensure Any ATSC 3.0 Transition Remains Voluntary Until Full Funding Is Available:
    - Codify that no broadcaster shall be required to transition to ATSC 3.0 until the above funding programs are operational and equitably administered.

A mandatory transition to ATSC 3.0 without a corresponding incentive auction to clear spectrum and fund the transition would place unsustainable burdens on both broadcasters and the public. By conditioning any such transition on a new auction—and using the proceeds to fully offset the costs—the Commission can modernize broadcast infrastructure while preserving service continuity, public trust, and industry viability.

VII. Reject the Proposal to Codify a One-Kilometer Grid Resolution Requirement

The Commission should reject the proposal in FCC 24-65 to codify a one-kilometer grid resolution requirement for interference analyses conducted by Class A and Low Power Television (LPTV) stations. This proposal is a misguided relic of the previous administration and would unjustifiably codify a technical double standard that lacks any scientific or regulatory justification.

Why the Proposal Should Be Rejected:

- **RF Is RF**: All television stations—full power, Class A, and LPTV alike—operate within the same spectrum bands and are governed by the same laws of physics. Signal propagation, interference behavior, and path loss characteristics are determined by frequency and terrain, not by whether a station is classified as "full power" or "low power." To impose a stricter grid resolution requirement on one class of licensees implies a fundamental difference that simply does not exist in reality.
- **Regulatory Uniformity Promotes Fairness**: There is no compelling reason why LPTV and Class A stations should be held to a different standard than full power broadcasters in the conduct of interference studies. Regulatory parity requires that all television licensees be subject to the same technical criteria. Doing so eliminates unnecessary confusion, supports equitable spectrum access, and aligns with the Commission's broader deregulatory goals.
- **Codifying a Legacy Standard Is Counterproductive**: The one-kilometer grid size originated as a guideline, not a rule, and was never applied universally. Attempting to elevate this old recommendation into a mandatory codified rule now would institutionalize a distinction that has no basis in modern broadcast engineering or policy.

Recommended Regulatory Action:

- **Reject the proposed codification of one-kilometer grid resolution** as described in FCC 24-65;
- **Adopt a harmonized grid resolution standard** across all broadcast services, allowing grid sizes up to two kilometers, consistent with full power practice and OET Bulletin No. 69;
- **Permit voluntary use of finer grid sizes**, when technically warranted, at the discretion of the applicant.

To advance fairness and technical integrity, the Commission should resist the urge to reimpose unnecessary distinctions between license classes. All broadcasters—regardless of power level—should be evaluated using the same tools, the same data, and the same standards.

VIII. Permit Use of Any Modulation Scheme That Does Not Cause Harmful Interference

The Commission should modernize its technical rules to permit broadcasters to use any digital modulation scheme of their choosing—whether ATSC 1.0, ATSC 3.0, 5G Broadcast (FeMBMS), or future innovations—so long as such use does not cause harmful interference to other licensees. Current restrictions that effectively mandate ATSC standards are outdated and antithetical to innovation.

Why This Change Is Necessary:

- **Technical Standards Should Not Be Frozen by Regulation**: The Commission's role is to manage spectrum, not to dictate which particular waveform must be used in doing so. If a broadcaster can deliver a compliant digital RF signal that meets the emission mask and interference limits under Part 73 or 74, the Commission should not require that signal to conform to one specific modulation protocol.
- **Innovation Should Not Require Permission**: Emerging standards such as 5G Broadcast offer substantial improvements in spectral efficiency, latency, and reception quality—particularly for mobile and portable use. Yet broadcasters are effectively barred from deploying these alternatives by the Commission's implicit endorsement of a single modulation family.
- **This Is Spectrum Discrimination by Another Name**: Full power and LPTV broadcasters are public trustees of licensed spectrum. They should be empowered to serve the public interest using whatever lawful and non-interfering modulation scheme best meets their operational needs and business model.

Recommended Deregulatory Actions:

- Amend technical rules in Parts 73 and 74 to permit use of any digital modulation standard, including non-ATSC technologies, so long as the station complies with emission and interference limits;
- Establish a streamlined notification or waiver process for stations seeking to implement non-ATSC waveforms on a test or permanent basis;
- Clarify that use of alternative modulation schemes will not affect a station's eligibility for license renewal, carriage rights, or public interest obligations.

By focusing on interference protection rather than technology mandates, the Commission can encourage experimentation and allow broadcasters to compete more effectively with wireless and

streaming platforms that are not subject to similar restrictions.

IX. Allow Broadcasters to Use Any CODEC Without Triggering Ancillary Service Fees

The Commission should affirm that broadcasters may use any video or audio compression format (CODEC) for their over-the-air programming services—including HEVC, MPEG-4, AV1, VVC, or other innovations—without being subject to ancillary or supplementary service fees under 47 U.S.C. § 336(e).

Why This Policy Change Is Necessary:

- **Ancillary Fees Should Not Be a Penalty for Efficiency**: The use of advanced CODECs allows broadcasters to transmit more content within the same 6 MHz channel. This promotes spectrum efficiency, viewer choice, and market competition. Penalizing such use with ancillary service fees sends the wrong signal—discouraging innovation instead of incentivizing it.
- **The Free Market Should Decide Which CODECs Win**: Just as streaming services are free to adopt any codec that improves performance and lowers cost, so too should broadcasters be able to choose the tools that best meet their audience's needs. Market forces—not regulatory fiat—should determine which compression technologies succeed.
- **Free-to-Air Remains Free**: Ancillary service fees were designed to apply when broadcasters monetize their spectrum in ways other than free-to-air broadcasting (e.g., subscription services or datacasting). Using a more efficient codec to transmit free-to-air video is not an ancillary service—it's simply better broadcasting.

Recommended Deregulatory Actions:

- Clarify by rule or public notice that use of any video or audio CODEC—including proprietary or next-generation formats—does not constitute an "ancillary or supplementary service" under 47 U.S.C. § 336(e) if the signal is freely receivable over-the-air without encryption;
- Remove any implicit linkage between CODEC selection and regulatory fee obligations;
- Encourage industry experimentation with advanced CODECs to expand viewer access, improve quality, and make more efficient use of spectrum.

Broadcasting should not be penalized for adopting modern tools to compete in a 21st-century media ecosystem. Instead, the Commission should remove outdated regulatory triggers that tie innovation to new costs.

X. Conclusion

The FCC has both the statutory obligation and executive mandate to reassess legacy regulations and eliminate those that unnecessarily constrain innovation and competition. The proposals herein—including the elimination of ERP restrictions on LPTV, integration of all television services into a single rule part, repeal of outdated reporting requirements, and equitable auction access—are fully consistent with the deregulatory goals outlined in Executive Order 14192.

These changes will reduce barriers to entry, enable broader service, and better reflect the technical realities of modern broadcasting.[13] We urge the Commission to act boldly and comprehensively in updating its rules to promote growth, investment, and a level playing field.

Respectfully submitted,

Lawrence Rogow
Chairman

Venture Technologies Group, LLC
280 E Colorado Blvd.
PO Box 234
Pasadena, CA 91101

323-965-5400

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[13] See Telecommunications Act of 1996, Pub. L. No. 104-104, preamble (declaring the intent to "promote competition and reduce regulation").